LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS

54111 BROUGHTON ROAD

MACOMB, **MI** 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR

MICHAEL D. KOEHS, CLERK MARIE MALBURG, TREASURER DINO F. BUCCI, JR, TRUSTEE

JANET DUNN, TRUSTEE

ROGER KRZEMINSKI, TRUSTEE NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel

Jerome Schmeiser, Planning Consultant James VanTiflin, Engineering Consultant (Additional attendance on file at the Clerk's Office)

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and the entire Board of Trustees was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and any additions, corrections or deletions were discussed. Items 7 through 13, item 23, item 30 and item 32 were all tabled to May 10, 2006.

MOTION by BUCCI seconded by MALBURG to approve the agenda as amended.

MOTION carried.

APPROVAL OF THE BILLS

3. All bill runs were reviewed.

MOTION by KRZEMINSKI seconded by DUNN to approve the bills as presented.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on April 12, 2006 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by DUNN seconded by KRZEMINSKI to approve the minutes of the meeting of April 12, 2006 as amended.

MOTION carried.

AGENDA ITEMS

5. **Consent Agenda Items:**

- A. Clerk's Department:
 - 1. Request for Wall Sign Bond Return; Victory Nissan; Permanent Parcel No. 08-36-377-011.
 - 2. Request for Wall Sign Bond Return; Oliver's Pizza, Stratford Plaza, Permanent Parcel No. 08-23-100-029.
- B. Department Monthly Reports:
 - 1. Building Department
 - 2. Fire Department
 - 3. Macomb County Sheriffs Department
 - 4. Parks and Recreation Department
 - 5. Water/Sewer Department

MOTION by BUCCI seconded by NEVERS to approve the consent agenda as presented.

MOTION carried.

6. Public comments

Ms. Gladys Bosel, 49532 Fairchild Road, informed the board of the conditions that exist on Fairchild as a result of the Legacy Farms Construction. She specifically commented on the asphalt debris, the standing water in some of the roads, the unfinished condition of the culverts and the boulders in the easement that have not been replaced. She stated that she was concerned for the safety of herself and her neighbors.

Mr. Andrew Prsailoski again recommended that the board consider bio-safe fuels in our fleet vehicles, and inquired about the status of the single waste hauler proposal.

PLANNING

7. Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1); Located on the south side of 26 Mile Road, ½ mile east of Romeo Plank; Macomb Township, Petitioner. Permanent Parcel No. 08-05-100-013.

This item was tabled to May 10, 2006

8. Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1); Located on the east side of Romeo Plank Road, 305 feet south of 26 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-100-022.

This item was tabled to May 10, 2006

9. Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1); Located on the south side of 26 Mile Road, ½ mile east of Romeo Plank; Macomb Township, Petitioner. Permanent Parcel No. 08-05-200-001.

This item was tabled to May 10, 2006

10. Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1); Located on the east side of Romeo Plank Road, 1/4 mile north of 25 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-301-003.

This item was tabled to May 10, 2006

11. Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1); Located on the east side of Romeo Plank Road, ¼ mile north of 25 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-302-001.

This item was tabled to May 10, 2006

12. Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1); Located on the east side of Romeo Plank Road, ¼ mile north of 25 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-302-004.

This item was tabled to May 10, 2006

13. Rezoning Request; Agricultural (AG) to One-Family Urban Residential (R-1); Located on the east side of Romeo Plank Road, ¼ mile north of 25 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-05-302-005.

This item was tabled to May 10, 2006

14. Rezoning Request; Shopping Center Commercial (C-3) to General Commercial (C-2); located on the southeast corner of North Avenue and 23 Mile Road; CVS Pharmacy, Velmeir Companies, Petitioner; Permanent Parcel Number 08-24-101-001.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Lawrence Scott, representing the petitioner, was also present to answer any questions which the Board might have.

MOTION by BUCCI seconded by DUNN to approve the rezoning request from Shopping Center Commercial (C-3) to General Commercial (C-2); Permanent Parcel Number 08-24-101-001 and to approve the rezoning contract as proposed by the petitioner.

MOTION carried.

15. Rezoning Request; Shopping Center Commercial (C-3) to General Commercial (C-2); located on the south east corner of North Avenue and 23 Mile Road; CVS Pharmacy, Velmeir Companies, Petitioner; Permanent Parcel Number 08-24-101-002.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Lawrence Scott, representing the petitioner, was also present to answer any questions which the Board might have.

MOTION by KRZEMINSKI seconded by DUNN to approve the rezoning request from Shopping Center Commercial (C-3) to General Commercial (C-2); Permanent Parcel Number 08-24-101-002 and to approve the rezoning contract as proposed by the petitioner.

16. Rezoning Request; Shopping Center Commercial (C-3) to General Commercial (C-2); located on the south east corner of North Avenue and 23 Mile Road; CVS Pharmacy, Velmeir Companies, Petitioner; Permanent Parcel Number 08-24-101-003.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Lawrence Scott, representing the petitioner, was also present to answer any questions which the Board might have.

MOTION by DUNN seconded by KOEHS to approve the rezoning request from Shopping Center Commercial (C-3) to General Commercial (C-2); Permanent Parcel Number 08-24-101-003 and to approve the rezoning contract as proposed by the petitioner.

MOTION carried.

17. Request for Temporary Certificate of Occupancy; Unit 21, Regency Commerce Center (Edibar Systems, Inc.); located on the east side of Regency Drive, 1/4 mile north of 23 Mile Road; M&B Construction, Petitioner; Permanent Parcel No. 08-17-344-021.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

MOTION by DUNN seconded by KRZEMINSKI to approve the Temporary Certificate of Occupancy for Unit 21, Regency Commerce Center (Edibar Systems, Inc.); Permanent Parcel No. 08-17-344-021.

MOTION carried.

18. Request for Temporary Certificate of Occupancy; Jacob Chiropractic; located in the Romeo Plank Crossing at 50954 Romeo Plank Road, Morelli Investments, LLC, Petitioner; Permanent Parcel No. 08-20-200-046.

MOTION by BUCCI seconded by MALBURG to approve the Temporary Certificate of Occupancy for Jacob Chiropractic; Permanent Parcel No. 08-20-200-046.

19. Request for Temporary Certificate of Occupancy; Tiffany's Tips and Toes; located in the Stratford Plaza at 21976 23 Mile Road; Icon Building II, Co. Inc., Petitioner; Permanent Parcel No. 08-23-100-029.

MOTION by KRZEMINSKI seconded by NEVERS to approve the Temporary Certificate of Occupancy for Tiffany's Tips and Toes; Permanent Parcel No. 08-23-100-029.

MOTION carried.

20. Request for Two Model Permits; Clearstone Subdivision, Lot 3 and Lot 4; located on the southwest corner of 26 Mile Road and Luchtman Road; Frank Karam. Petitioner: Permanent Parcel No. 08-05-200-011.

MOTION by DUNN seconded by KOEHS to approve the two Model Permits for Clearstone Subdivision, Lot 3 and Lot 4; Permanent Parcel No. 08-05-200-011.

MOTION carried.

21. Request for Model Permits; Legacy Farms Subdivision No. 1, Lots 39, 42, 43 and 44; located west of Fairchild Road and north of 22 Mile Road; Chris Cousino, Petitioner; Permanent Parcel No. 08-24-426-010.

MOTION by KRZEMINSKI seconded by MALBURG to approve the Model Permits for Legacy Farms Subdivision No. 1, Lots 39, 42, 43 and 44; Permanent Parcel No. 08-24-426-010.

MOTION carried.

22. Approval of Temporary Use; Detroit Edison Temporary Generator; located at Fire Station #2 on the south side of 21 Mile Road west of Romeo Plank Road; DTE Energy, Petitioner; Permanent Parcel No. 08-32-201-011.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

MOTION by KRZEMINSKI seconded by BUCCI to approve the temporary trailer use by Detroit Edison for a temporary generator at Fire Hall # 2; Permanent Parcel No. 08-32-201-011.

23. Revised Preliminary TND Plan; Macomb Town Center; Located between 24 and 25 Mile Roads, approximately ¼ mile west of Broughton Road; Lombardo Companies, Petitioner; Permanent Parcel No. 08-09-400-015.

Mr. Greg Windingland, representing the petitioner, was present and requested that this matter be tabled indefinitely.

MOTION by BUCCI seconded by KRZEMINSKI to table this item indefinitely.

MOTION carried.

24. Final TND Plan; Macomb Town Center; Located between 24 and 25 Mile Roads, approximately ¼ mile west of Broughton Road; Lombardo Companies, Petitioner; Permanent Parcel No. 08-09-400-015.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Greg Windingland, representing the petitioner, was also present to answer any questions which the Board might have.

MOTION by KRZEMINSKI seconded by DUNN to approve the Final TND Plan; Macomb Town Center; Permanent Parcel No. 08-09-400-015.

MOTION carried.

25. Preliminary TND Plan; Macomb Town Center South; Located on the northeast corner of 24 Mile Road and future Luchtman Road, encompassing the entire SW ¼ of Section 9; Polson Land Development, Petitioner; Permanent Parcel Nos. 08-09-300-015 and 08-09-300-016.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Craig Duckwicz, representing the petitioner, was also present to answer any questions which the Board might have.

MOTION by DUNN seconded by MALBURG to approve the Preliminary TND Plan; Macomb Town Center South; Permanent Parcel Nos. 08-09-300-015 and 08-09-300-016.

26. Final TND Plan; Macomb Township Parks & Recreation Center, Phase #2; Located on the northwest corner of Broughton Road and Macomb Street; Macomb Township, Petitioner; Permanent Parcel No. 08-09-200-016.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Steve Geddert, representing Newman, Smith and Associates, was also present to answer any questions which the Board might have.

MOTION by KRZEMINSKI seconded by BUCCI to approve the Final TND Plan for the Macomb Township Parks & Recreation Center, Phase #2; Permanent Parcel No. 08-09-200-016.

MOTION carried.

27. Preliminary Plan; Lakeside Industrial Site Condominiums; Located ¼ mile south of 22 Mile Road on the east side of Hayes Road; Boulder Construction, Petitioner; Permanent Parcel No. 08-19-300-013.

Mr. Jerome Schmeiser, Planning Consultant, and Mr. James VanTiflin, consulting Engineer, reviewed this item and stated their recommendation of approval.

MOTION by DUNN seconded by NEVERS to approve the Preliminary Plan for Lakeside Industrial Site Condominiums; Permanent Parcel No. 08-19-300-013.

MOTION carried.

28. Preliminary Plan; Strawberry Fields Site Condominiums; Located on the north side of 22 Mile Road, ¾ of a mile east of Hayes Road; Excel Properties, Petitioner; Permanent Parcel No. 08-19-400-001.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

MOTION by KOEHS seconded by BUCCI to approve the Preliminary Plan for the Strawberry Fields Site Condominiums; Permanent Parcel No. 08-19-400-001.

MOTION carried.

29. Final Preliminary Plat; Pinnacle Farms Subdivision, 66 lots; located ½ mile south of 23 Mile Road on the east side of Fairchild Road; Landtec of Macomb, Petitioner; Permanent Parcel No. 08-24-276-003.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Craig Duckwicz, representing the petitioner, was also present to answer any questions which the Board might have.

MOTION by DUNN seconded by KRZEMINSKI to approve the Final Preliminary Plat for Pinnacle Farms Subdivision; Permanent Parcel No. 08-24-276-003.

MOTION carried.

30. Final Preliminary Plat; Stoneridge Subdivision, 106 lots; located on the east side of Fairchild Road ¼ mile north of 21 Mile Road; Stoneridge Development, Petitioner; Section 25, Permanent Parcel Number 08-25-427-009.

This item was tabled to the May 10, 2006 meeting.

31. Request for Extension of Final Preliminary Plat & Landscape Plans; Harmony Acres Subdivision; Located on the south side of 24 Mile Road, approximately 3/4 mile east of Romeo Plank Road; Joe VanHaverbeck, Petitioner; Permanent Parcel No. 08-16-200-014.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

MOTION by KOEHS seconded by MALBURG to approve the Extension of the Final Preliminary Plat & Landscape Plans for the Harmony Acres Subdivision; Permanent Parcel No. 08-16-200-014.

MOTION carried.

NEW BUSINESS

32. Request for payback agreement for sewer installation on Card Road; Little Turtle Preschool; Chippewa Valley Schools.

This item was tabled to the May 10, 2006 meeting.

33. **Authorize Planning Commission to conduct hearings** to revise the Zoning Ordinance regarding use variances.

Mr. Jerome Schmeiser, Planning Consultant, and Mr. Lawrence Dloski, Legal Counsel, reviewed this item and stated their recommendation for approval.

MOTION by KRZEMINSKI seconded by BUCCI to authorize the Planning Commission to hold public hearings to amend the Zoning Ordinance to prohibit the Zoning Board of Appeals from hearing land use variance requests.

MOTION carried.

OLD BUSINESS

34. Request to Adopt Amended IFT Resolution; Majestic Industries, Inc.; located in the Hayes/23 Industrial Subdivision, east of Hayes Road, north of 23 Mile Road; Majestic Industries, Inc., Petitioner; Permanent Parcel No. 08-18-300-029.

Mr. John Brennan and Mr. Lawrence Dloski reviewed this item and stated their recommendation for approval.

MOTION by KRZEMINSKI seconded by DUNN to amend the IFT Resolution for Majestic Industries; Permanent Parcel No. 08-18-300-029.

AYES: KRZEMINSKI, DUNN, BUCCI, NEVERS, MALBURG, KOEHS

AND BRENNAN.

NAYS: NONE

MOTION carried, resolution declared adopted.

WATER AND SEWER DEPARTMENT

35. Request to Authorize Change Order #1; 23 Mile Road Water Main (23 Mile Road Water and Sewer Replacement); MA02-007 & MA02-022; Pamar Enterprises, Inc.

Mr. David Koss reviewed this item and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by BUCCI to approve Change Order #1; 23 Mile Road Water Main (23 Mile Road Water and Sewer Replacement); MA02-007 & MA02-022; Pamar Enterprises, Inc.

MOTION carried.

36. Request to Authorize Pay Certificate #3; 23 Mile Road Water Main (23 Mile Road Water and Sewer Replacement); MA02-007 & MA02-022; Pamar Enterprises, Inc.

Mr. David Koss reviewed this item and stated his recommendation for approval.

MOTION by BUCCI seconded by DUNN to approve Pay Certificate #3; 23 Mile Road Water Main (23 Mile Road Water and Sewer Replacement); MA02-007 & MA02-022; Pamar Enterprises, Inc.

MOTION carried.

37. Request to Authorize Contract for Construction Material Testing and Inspection Services; 23 Mile Road Water Main (23 Mile Road Water and Sewer Replacement); MA02-007 & MA02-022.

Mr. David Koss reviewed this item and stated his recommendation for approval.

MOTION by DUNN seconded by NEVERS to approve the Contract for Construction Material Testing and Inspection Services; 23 Mile Road Water Main (23 Mile Road Water and Sewer Replacement); MA02-007 & MA02-022 provided the revised language is approved by Township Legal Counsel.

MOTION carried.

38. Purchase Requisitions:

A. SLC Meter Service

Mr. David Koss reviewed this item and stated his recommendation for approval.

MOTION by DUNN seconded by KRZEMINSKI to approve the purchase requisition for SLC Meter Service as presented.

MOTION carried.

BOARD COMMENTS

39. Supervisor Comments:

A. 2006 Road Dust Control Contract

Mr. Brennan reviewed this item and stated his recommendation of approval of four applications for this year.

MOTION by KRZEMINSKI seconded by KOEHS to approve the contract with the Road Commission of Macomb County for four (4) applications for dust control.

MOTION carried.

40. Clerk Comments

Clerk Koehs reminded everyone that Tuesday, May 2, 2006 was School Election Day.

41. Treasurer Comments

None

42. Trustee Comments

Trustee Dunn reported that she and Trustees Nevers and Krzeminski had attended the History Commission Workshop the past week, and she had a recommendation for our legal counsel.

MOTION by DUNN seconded by KRZEMINSKI to authorize the Township Legal Counsel to review the History Commission Ordinance that was prepared by them in 2000, and to ensure that it complies with the State of Michigan model ordinance.

ADJOURNMENT

MOTION by BUCCI seconded by KOEHS to adjourn the meeting at 7:59 p.m. MOTION carried.

Respectfully submitted,

John D. Brennan Macomb Township Supervisor

Michael D. Koehs, CMC Macomb Township Clerk